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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/609,491  | 06/25/2003  | Akihiko Kimoto       | FUJI 20.459         | 1718             |
| 26304   | 7590        | 10/05/2004           | EXAMINER            |                  |
| KATTEN MUCHIN ZAVIS ROSENMAN<br>575 MADISON AVENUE<br>NEW YORK, NY 10022-2585 |             |                      |                     | BAKER, STEPHEN M |
|   |             | ART UNIT             |                     | PAPER NUMBER     |
|   |             | 2133                 |                     |                  |

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                  |                 |
|------------------------------|------------------|-----------------|
| <b>Office Action Summary</b> | Application No.  | Applicant(s)    |
|                              | 10/609,491       | KIMOTO, AKIHIKO |
|                              | Examiner         | Art Unit        |
|                              | Stephen M. Baker | 2133            |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892) \*
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 062503.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 2 are vague and the preambles of claims 1-3 are misdescriptive.

Claims 1-3 apparently should be amended as follows:

1. A path error monitoring method for monitoring for an error in a communication path in a synchronous network by using an error detection code normally inserted into a first predetermined byte in an overhead of transmitted information, comprising the steps of:

    performing an error detection code operation for a predetermined range of the transmitted information in a sender side to obtain an error detection code normally inserted into a first predetermined byte in an overhead of transmitted information;

    inserting the obtained error detection code into a second predetermined byte different from said first predetermined byte in the overhead of the transmitted information and sending the inserted transmitted information;

    performing an error detection code operation for a predetermined range of the inserted transmitted information received in a receiver side; and

    monitoring for an error in a communication path between the sender side and the receiver side by comparing the obtained error detection code with the second predetermined byte in the inserted transmitted information.

2. A sender side apparatus to which a path error monitoring method for monitoring for an error in a communication path in a synchronous network by using an error detection code normally inserted into a first predetermined byte in an overhead in transmitted information is applied, comprising:

    a second predetermined byte inserting part performing an error detection code operation for a predetermined range in the transmitted information to obtain an error detection code normally inserted into a first

predetermined byte in an overhead of transmitted information and inserting the obtained error detection code into a second predetermined byte different from said first predetermined byte in the overhead in the transmitted information.

3. A receiver side apparatus to which a path error monitoring method for monitoring for an error in a communication path in a synchronous network by using an error detection code normally inserted into a first predetermined byte in an overhead in transmitted information is applied, comprising:

a second predetermined byte comparing part performing an error detection code operation for a predetermined range in the transmitted information received and comparing the obtained error detection code with a second predetermined byte in the transmitted information received.

In claim 5: "neither bit coincides" is confusing and apparently should be "all bits do not coincide".

Claim 10 apparently should depend from claim 7, to provide antecedent basis for the claimed subject matter.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,964,112 to Appelmann (hereafter "Appelmann").

Appelmann discloses placing a BIP-8 error detection code, normally placed in the B3 byte position of a frame, into a Z4 byte position of the frame. Appelmann's BIP-8

byte is generated by “performing an error detection code operation for a predetermined range of the transmitted information in a sender side”. The B3 byte is a “first predetermined byte in an overhead of transmitted information”, and the Z4 byte is “a second predetermined byte different from said first predetermined byte”. Using Appelmann’s BIP-8 to detect errors, as intended, is “monitoring for an error in a communication path between the sender side and the receiver side” by “performing an error detection code operation for a predetermined range of the inserted transmitted information received in a receiver side” and “comparing the obtained error detection code with the second predetermined byte in the inserted transmitted information”.

***Allowable Subject Matter***

4. Claims 4 and 6-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claims 5 and 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Baker whose telephone number is (703) 305-9681. The examiner can normally be reached on Monday-Friday (11:00 AM - 7:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on (703) 305-9595. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Stephen M. Baker  
Primary Examiner  
Art Unit 2133

smb